

Again, that objection for 51 was reserved for very special, very rare occasions. It might happen once or twice in your career.

I do feel that the conversation we have before us is so important that I thought I would put up this chart. As my colleague can see, this just dramatizes it. It is a picture of Lyndon B. Johnson showing his one filibuster in 6 years, one time that he needed to get a cloture motion to try to shut down debate; otherwise, there was a courtesy that people said what they had to say and then stood aside and took votes. And here we have HARRY REID in his 6 years—it says “387 and counting.” It hit 391 before we completed his sixth year. So there is an enormous difference.

The work we are engaged in right now of trying to find a way to have every voice heard and then to be able to proceed to be accountable and transparent before the public is so important.

As the Senator and I have engaged in this conversation, sometimes we have heard criticism from across the aisle saying: You are trying to silence the voice of the minority. Does the Senator see anything in the proposals that we have been advocating that in any way silences the voice of the minority?

Mr. UDALL of Colorado. In looking at this, I do not see anything in the proposals, and I think we, in working on this together, tried to bring a discipline to it that said we want to preserve the best traditions of the Senate, we want the minority to be heard, we want the minority to have amendments, and we want them included in the process. What we don't want is the tyranny of the minority. And the Founders talked about the tyranny of the minority. They talked about the fact that if you allowed a small minority to govern and block the governing of the majority, that was the tyranny of the minority, and they feared that.

So I think that when we consider this and we talk about the filibuster and our institution today, our Senate, where many times the Republican leader has come to the floor and said that it is going to take 60 votes, everything takes 60 votes, that isn't the way the Founders designed it. The Founders actually had very strong language for what they thought of supermajorities.

Everybody remembers their history. The Founders came off the Articles of Confederation. It was a supermajority. It didn't work. It was broken. So they only put into the Constitution in five places supermajorities—things such as expelling a Member and ratifying a treaty—but otherwise it was simple majorities. And when the history is going to be written, it is hard to tell how this happened. But to have a leader of the Senate stand and say that everything takes 60 votes—the Founders never contemplated that. When they adopted rule XXII in 1917, that wasn't what they were trying to do, and the rule has actually been turned on its head.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Madam President, I would like to follow up on the last point Senator UDALL of New Mexico made about our Founders.

I have in my hand three of the Federalist Papers, Federalist Papers 22, 75, and 58. These are by Madison and Hamilton, and they explore this issue of the supermajority. It was a very conscious decision that a supermajority was not put into the Constitution for decisions of these Chambers. And the reason why—and they explained it more eloquently—is essentially that if you take the path that the minority thinks is the right path rather than the path the majority thinks is the right path, then over time you make a series of worse decisions. The minority might be right on occasion, but most of the time the viewpoint brought by those representing the greatest number of States in this case or the greatest number of citizens on the House side is the path that makes sense. And they warned about the supermajority as an instrument that would bring paralysis. It is almost as if they could look forward 200 years to this moment and say: Don't do that because you will end up with paralysis.

This is from Federalist Paper No. 22 by Alexander Hamilton. He wrote this in 1787, and he notes in commenting about the issue of a simple majority that “there is commonly a necessity for action. The public business must, in some way or other, go forward. If a pertinacious minority can control the opinion of a majority, respecting the best mode of conducting it, the majority, in order that something may be done, must conform to the views of the minority; and thus the sense of the smaller number will overrule that of the greater, and give a tone to the national proceedings. Hence, tedious delays; continual negotiation and intrigue; contemptible compromises of the public good.”

Let me read that last set of words about what Hamilton said would happen if you had a supermajority requirement in the Senate: “tedious delays; continual negotiation and intrigue; contemptible compromises of the public good.” I think anyone watching the proceedings of the Senate for the last 2 years would say that Hamilton was right on the mark in that regard. And, of course, he was not alone. There was not a single Federalist Paper written arguing that there should be a supermajority in the Senate or the House because of the experience that had been had previous to forming the strategy embodied in the Constitution.

Let's turn to James Madison. In Federalist 58, James Madison said:

It has been said that more than a majority ought to have been required for a quorum . . .

He goes on to discuss it in various views, and he said:

Lastly, it would facilitate and foster the baneful practice of secessions; a practice

which has shown itself even in States where a majority only is required; a practice subversive—

And here is the key language—

a practice subversive of all the principles of order and regular government; a practice which leads more directly to public convulsions, and the ruin of popular governments, than any other which has yet been displayed among us.

He also made the point that we would end up with equitable sacrifices to the general weal—or general good.

So as we turn to our conversations in our respective caucuses and to the dialog here on the floor of the Senate, I ask my colleagues to search your hearts about our responsibility to the citizens of the United States of America to address the big issues facing America, which means that we don't paralyze this body in secret. If my colleagues have points to make, then make them as was done during the periods of great debate on the floor of the Senate: Make them on the floor of the Senate, engage in that debate, and when no more is to be said, when all 100 Senators say: We have had our full input, then let's make a decision.

Madam President, I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:38 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Ms. BALDWIN).

The PRESIDING OFFICER. The Senator from Illinois is recognized.

EXTENSION OF MORNING BUSINESS

Mr. DURBIN. Madam President, I ask unanimous consent the period for morning business be extended until 4 p.m. today and that all provisions under the previous order remain in effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MORAN. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEBT CEILING

Mr. MORAN. Madam President, let me take a moment to welcome you to the Senate. I look forward to working with you and welcome you, coming from the House of Representatives to the Senate.

Over the Christmas holidays most of our Nation was focused on what Congress would do to avoid the so-called